

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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|---------------------------|---|---------------------------------|
| UNITED STATES OF AMERICA, |) | 2:15-CR-044-GMN-(GWF) |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Preliminary Order of Forfeiture |
| |) | |
| THEREN PHILLIP FRAZIER, |) | |
| |) | |
| Defendant. |) | |

This Court finds that defendant Theren Phillip Frazier pled guilty to Counts Ten, Thirteen, Nineteen, Twenty, and Twenty-One of a Twenty-Two-Count Superseding Criminal Indictment charging him in Counts Ten and Thirteen with Bank Robbery in violation of Title 18, United States Code, Section 2113(a); in Count Nineteen with Interfere with Commerce by Robbery (Hobbs Act Robbery) in violation of Title 18, United States Code, Section 1951; in Count Twenty with Brandishing of a Firearm in a Crime of Violence in violation of Title 18, United States Code, Section 924(c)(1)(A)(ii); and in Count Twenty-One with Felon in Possession of a Firearm in violation of Title 18, United States Code, Section 922(g)(1). Superseding Criminal Indictment, ECF No. 54; Change of Plea, ECF No. 113; Plea Agreement, ECF No. 114.

This Court finds defendant Theren Phillip Frazier agreed to the forfeiture of the property and the imposition of the in personam criminal forfeiture money judgment set forth in the Plea Agreement, the Bill of Particulars, and the Forfeiture Allegations of the Superseding Criminal

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1 Indictment. Superseding Criminal Indictment, ECF No. 54; Bill of Particulars, ECF No. 60;
2 Change of Plea, ECF No. 113; Plea Agreement, ECF No. 114.

3 This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of
4 America has shown the requisite nexus between property set forth in the Plea Agreement, the
5 Bill of Particulars, and the Forfeiture Allegations of the Superseding Criminal Indictment and the
6 offenses to which defendant Theren Phillip Frazier pled guilty.

7 The following money judgment and assets are (1) any property, real or personal, which
8 constitutes or is derived from proceeds traceable to violations of Title 18, United States Code,
9 Section 2113(a), a specified unlawful activity as defined in Title 18, United States Code, Section
10 1956(c)(7)(D), or a conspiracy to commit such offense; (2) any property, real or personal, which
11 constitutes or is derived from proceeds traceable to violations of Title 18, United States Code,
12 Section 1951, a specified unlawful activity as defined in Title 18, United States Code, Section
13 1956(c)(7)(A) and 1961(1)(B), or Title 18, United States Code, Section 1951(a), conspiracy to
14 commit such offense; (3) any firearm or ammunition intended to be used in violation of Title 18,
15 United States Code, Sections 924(c)(1)(A)(ii), 1951, and 2113(a); and (4) any firearm or
16 ammunition involved in or used in any knowing violation of Title 18, United States Code,
17 Sections 922(g)(1), 924(c)(1)(A)(ii), 1951, and 2113(a), and are subject to forfeiture pursuant to
18 Title 18, United States Code, Section 981(a)(1)(C) with Title 28, United States Code, Section
19 2461(c); Title 18, United States Code, Section 924(d)(1), (2)(C), and (3)(A) with Title 28, United
20 States Code, Section 2461(c); Title 18, United States Code, Section 924(d)(1) with Title 28,
21 United States Code, Section 2461(c); and Title 21, United States Code, Section 853(p):

- 22 1. \$214.59 in United States Currency;
23 2. a 9 mm semiautomatic handgun, Intratec model TEC-9, serial number 65201; and
24 3. any and all ammunition
25 (all of which constitutes property)

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1 and an in personam criminal forfeiture money judgment of \$4,343, to be held jointly and
2 severally liable with any codefendants, and that the property will not be applied toward the
3 payment of the money judgment.

4 This Court finds the United States of America is now entitled to, and should, reduce the
5 aforementioned property to the possession of the United States of America.

6 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
7 the United States of America should seize the aforementioned property.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the United States
9 recover from Theren Phillip Frazier an in personam criminal forfeiture money judgment of
10 \$4,343.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest
12 of Theren Phillip Frazier in the aforementioned property is forfeited and is vested in the United
13 States of America and shall be safely held by the United States of America until further order of
14 the Court.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of
16 America shall publish for at least thirty (30) consecutive days on the official internet government
17 forfeiture website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited
18 property, state the time under the applicable statute when a petition contesting the forfeiture must
19 be filed, and state the name and contact information for the government attorney to be served
20 with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code,
21 Section 853(n)(2).

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or
23 entity who claims an interest in the aforementioned property must file a petition for a hearing to
24 adjudicate the validity of the petitioner's alleged interest in the property, which petition shall be
25 signed by the petitioner under penalty of perjury pursuant to Title 21, United States Code,
26 Section 853(n)(3) and Title 28, United States Code, Section 1746, and shall set forth the nature

1 and extent of the petitioner's right, title, or interest in the forfeited property and any additional
2 facts supporting the petitioner's petition and the relief sought.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be
4 filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no
5 later than thirty (30) days after the notice is sent or, if direct notice was not sent, no later than
6 sixty (60) days after the first day of the publication on the official internet government forfeiture
7 site, www.forfeiture.gov.

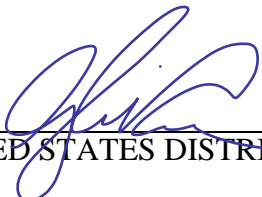
8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if
9 any, shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at
10 the following address at the time of filing:

11 Daniel D. Hollingsworth
12 Assistant United States Attorney
13 501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described
15 herein need not be published in the event a Declaration of Forfeiture is issued by the appropriate
16 agency following publication of notice of seizure and intent to administratively forfeit the above-
17 described property.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies
19 of this Order to all counsel of record and three certified copies to the United States Attorney's
20 Office, Attention Asset Forfeiture Unit.

21 DATED this 8 day of November, 2016.

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24 
25 UNITED STATES DISTRICT JUDGE
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PROOF OF SERVICE

A copy of the foregoing was served upon counsel of record via Electronic Filing on
September 19, 2016.

/s/ Heidi L. Skillin
HEIDI L. SKILLIN
Forfeiture Support Paralegal